

REMARKS

By the foregoing, independent claims 1, 9, 19 and 27 are amended by inserting the phrase "at a bale press" after "fiber quality data on bale classing samples cut from individual bales". Specification paragraphs [0012] through [0015] under the heading "Summary of the Invention" are correspondingly amended.

In view of discussions during the interview March 2, 2007 it is believed that the application is now in condition for allowance. Accordingly the remarks hereinbelow are somewhat in summary form for the record. Formal allowance is requested.

Interview Summary

An interview was conducted Friday, March 2, 2007. Present in person were Examiner Wu and Supervisory Patent Examiner Hayes, as well as one of the inventors, Frederick M. Shofner. The undersigned attorney participated by telephone.

At the beginning of the interview, Dr. Shofner presented a short video taken at the bale press in a cotton gin, showing the making up of cotton into a bale and the cutting of two classing samples from the bale. The video additionally showed the classing samples being tested by an ISOTESTER® fiber quality measurement instrument located at the bale press, a few seconds after the bale was made up. Additionally, a Permanent Bale Identification (PBI) number was immediately associated with the bale and samples. Background discussion established that bale classing samples are a longstanding and necessary element of cotton marketing, essentially mandated by statute and regulation, and are well understood by those involved in the businesses of cotton production, ginning and marketing. The regulations are under the United States Department of Agriculture.

Discussion during the interview focused on language previously added to the specification and claims by amendment: "on bale classing samples cut from individual bales," first in the context of the prior art rejections, primarily Anthony et al

Pat. No. 5,805,452; and then in the context of the "new matter" objection and rejection.

The undersigned asked Examiner Wu to further explain his reasons for the conclusion on page 6 of the Office Action mailed 10/19/2006, last full paragraph, which begins with, "Anthony does not expressly state sampling bale classing samples cut from individual bales." Examiner Wu drew particular attention to Anthony et al column 3, lines 47-52 which states:

"The measurement of sensor data may be performed ... or after the cotton has been completely processed through the optimum gin machine sequence."

Examiner Wu also drew attention to Anthony et al FIG. 17B which includes a "Last 8 Bales" display purporting to show various fiber quality measurements correlated with individual bale numbers.

The undersigned attorney and Dr. Shofner, in response, made several comments/arguments. Regardless of what hindsight interpretation might be placed on Anthony et al column 3, lines 47-52, Anthony et al do not expressly state that fiber quality data is taken from individual bale classing samples. The sensors which Anthony et al disclose, for example in FIG. 2, are located at various points in the gin prior to cotton being made up into bales. Regardless of the implication of Anthony et al FIG. 17B, based on the disclosed sensor locations in Anthony et al, it is doubtful that such precise correlation of fiber quality data with individual bales is actually achievable with the machine which Anthony et al discloses. In any event, Anthony et al clearly does not disclose taking data from bale classing samples. (This subject was discussed in greater detail in applicant's "Amendment in Response to Final Rejection" dated July 3, 2006 and received in the USPTO July 5, 2006, beginning with the paragraph bridging pages 15 and 16 and continuing through page 17.)

Anthony et al were well aware of the use of bale classing samples (the assignee in Anthony et al is the USDA, which issues the regulations). The cotton gin which Anthony et

al discloses almost certainly also includes a station taking bale classing samples. Anthony et al make no particular mention of this, despite every opportunity to do so, if it were relevant to the system and method which Anthony et al disclose. Anthony et al do disclose a bale press 170.

Based on these discussions, it was agreed that, and as suggested by Examiner Wu, by further limiting the independent claims to recite that the fiber quality data is measured on bale classing samples cut from individual bales at the bale press, the prior art rejection would be overcome. Support is found, for example, in paragraph [0024] of applicant's specification as filed.

It was further agreed that the specification as filed does provide support for the language previously added to the specification and claims by amendment, "data described in individual bales" and "on bale classing samples cut from individual bales." This reconsideration by the Examiner was in view of discussions during the interview, and in view of arguments previously presented by applicant in writing, most recently, in the "Request for Continued Examination (RCE) Reply/Remarks" dated August 1, 2006, and received in the USPTO August 3, 2006.

Objections to the Specification
and
Claim Rejections - 35 USC §112

Specification paragraphs [0012] through [0015] have been objected to on the basis of asserted new matter added by the amendment dated February 13, 2006 and received in the U.S. Patent and Trade February 15, 2006. Independent claims 1, 9, 19 and 27 correspondingly stand rejected under 35 USC §112, first paragraph, as failing to comply with the written description requirement.

As stated hereinabove under the heading "Interview Summary," it is understood that the "new matter" objection and the "written description" rejection will be withdrawn.

As a point of clarification, the specification as filed (for example, paragraph [0024]) clearly discloses that samples are cut from the sides of the bale at the bale press, although there is no express disclosure that the fiber quality measurement instrument itself is located at the bale press (although that is the usual and sensible location). Since the physical location of the fiber quality instrument itself is not a necessary limitation to distinguish over Anthony et al, that particular description/limitation was previously deleted from the specification and claims where applicant made an earlier attempt to add that language by amendment.

Accordingly, formal withdrawal of the "new matter" objection and the "written description" rejection are requested.

Requirement for Information

In response to the "Requirement for Information Under 37 C.F.R. § 1.105" beginning on page 3 of the Office Action mailed 10/19/2006, applicant admits that the AMS disclosures relating to Smith-Doxey classification of cotton as found, for example, on the internet website www.ams.usda.gov/Cotton/ctnnclass.htm, predate the subject invention and the filing of the subject patent application.

The relevant statute (7 USC §52) and relevant USDA/AMS regulation (7 CFR §28.25) have previously been provided by applicant, in the "Request for Continued Examination (RCE) Reply/Remarks" dated August 1, 2006, on pages 4-6. Applicant has not researched the historical effective dates of the current regulations, but, again, admits that the relevant practices predate the subject invention. As was discussed during the interview, such cotton classing based on bale samples, in one form or another, goes back approximately 100 years.

It is understood that the foregoing admissions are a sufficient response to the "Requirement for Information."

Further, as discussed with Examiner Wu by telephone on November 13, 2006, a statement in the Office Action mailed 10/19/2006, numbered section 12, that the requirement for

information has a shortened statutory period for response of two months is in error. The period for response to the requirement for information is the same as the period for response to the Office Action mailed 10/19/2006 itself.

Claim Rejections - 35 USC §103
Anthony et al and AMS
Claims 1-3, 8, 19, 20-22, and 26

In numbered Section 14 of the Office Action mailed 10/19/2006, independent claims 1 and 19, as well as various dependent claims, are rejected under 35 USC §103 as unpatentable over Anthony et al U.S. Pat. No. 5,805,452 in view of www.ams.usda.gov/Cotton/ctnnclass.htm (AMS disclosures relating to Smith-Doxey classification).

Applicant's previous arguments with reference to the disclosure of Anthony et al are found in the "Amendment and Response to Final Rejection" dated July 3, 2006, and received in the USPTO July 5, 2006. Those arguments of July 3, 2006 predate the Examiner's further reliance on the AMS disclosures in the outstanding Office Action mailed 10/19/2006. As discussed above under the heading "Interview Summary," the current amendments to independent claims 1 and 19 overcome this rejection.

Withdrawal of the rejection and allowance are requested.

Claim Rejections - 35 USC §103
Anthony et al in view of Jammes et al
further in view of AMS
Claims 5-6, 15-16, 23-24 and 33-34

In numbered Section 15 of the Office Action mailed 10/19/2006, dependent claims 5-6, 15-16, 23-24 and 33-34 are rejected under 35 USC §103 as unpatentable over Anthony et al in view of Jammes et al Pat. No. 6,484,149 further in view of internet web page www.ams.usda.gov/Cotton/ctnnclass.htm (AMS).

At the outset, Jammes et al does nothing to overcome the deficiencies of Anthony et al as the primary reference, either alone, or in combination with the AMS disclosures. Applicant's detailed arguments regarding Jammes et al were

presented in the "Amendment in Response to Final Rejection" dated July 3, 2006, and received in the USPTO July 5, 2006.

It is believed that the current claim amendments, adding "at a bale press" to independent claim 1, from which claims 5 and 6 depend; to independent claim 9, from which claims 15 and 16 depend; to independent claim 19, from which claims 23 and 24 depend; and to independent claim 27, from which claims 33 and 34 depend, overcomes these rejections.

Again, formal allowance is requested.

Claim Rejections - 35 USC §103
Anthony et al in view of Lindsey et al
further in view of AMS
Claims 9, 10-13, 18, 27, 28-31 and 36-40

In numbered Section 16 of the Office Action mailed 10/19/2006, independent claims 9 and 27 are rejected under 35 USC §103 as unpatentable over Anthony et al in view of Lindsey et al U.S. Pat. No. 5,063,507 and further in view of www.ams.usda.gov/Cotton/ctnnclass.htm (AMS disclosures relating to Smith-Doxey classification).

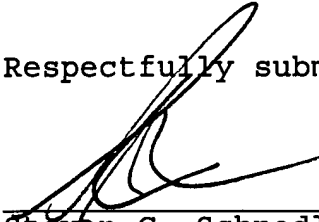
Lindsey et al is referenced in the "Background of the Invention" section of the subject application, paragraph [0003], and distinguished in paragraph [0008]. Fundamentally, Lindsey et al does not disclose gin-based classing, and does nothing to overcome the deficiencies of Anthony et al as the primary reference, either alone or in combination with the AMS disclosures. Applicant's previous detailed arguments with reference to Lindsey et al are found in the "Amendment in Response to Final Rejection" dated July 3, 2006, and received in the USPTO July 5, 2006.

Independent claims 9 and 27 are currently amended to insert the limitation "at a bale press." Accordingly, these claims, as well as the dependent claims of this group, are allowable.

Conclusion

In view of the foregoing, formal reconsideration and allowance are requested. The following is a list of claims remaining in the case: 1-3, 5, 6, 8-13, 15, 16, 18-21, 23, 24, 26-31, 33, 34 and 36-40.

Respectfully submitted,

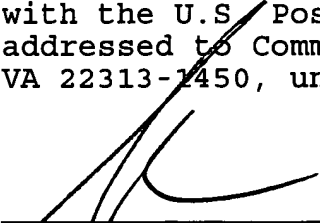


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I hereby certify that this paper is being deposited this date with the U.S. Postal Service as First Class Mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, under the provisions of 37 CFR 1.8.



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MARCH 13, 2007

Date